

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND  
LIABILITY ACT

14-2. Responses

1. **AUTHORITY.** To respond to any release or threatened release of a hazardous substance, pollutant or contaminant pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, Section 104, and 40 C.F.R. Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan."
2. **TO WHOM DELEGATED.**
  - a. Director, Superfund and Emergency Management Division.
  - b. On-scene coordinators, the authority to determine the need for emergency response and to approve and initiate removal actions costing up to \$250,000 where site conditions constitute an emergency and up to \$50,000 where site conditions do not constitute an emergency.
3. **LIMITATIONS.**
  - a. This delegation does not apply to selecting any remedy in the Record of Decision when the estimated cost of the remedy exceeds \$50 million.
  - b. These authorities shall be exercised subject to approved funding levels.
  - c. These authorities may be exercised only at sites located within Region 8, unless there is a memorandum of agreement that authorizes a cross-boundary emergency response.
  - d. Consultation prior to selection of a response action may be required by memorandum from the assistant administrator, Office of Land and Emergency Management.
  - e. Unless waived by memorandum, the AA for OLEM must approve the use of the consistency waiver in Section 104(c)(1)(C) of CERCLA for removal actions at sites not listed or proposed for listing on the National Priorities List.
  - f. When the emergency waiver in Section 104(c)(1)(A) of CERCLA is used, the delegatee may approve removal actions costing up to \$6 million. The delegatee must seek approval from the AA or designee for OLEM for removal actions costing more than \$6 million and requiring the emergency waiver. This limitation may be waived or modified by memorandum from the AA for OLEM.
  - g. Unless waived by memorandum, the AA or designee for OLEM must concur prior to the initiation of a removal action at non-NPL sites where the proposed action is on the list of nationally significant or precedent-setting removal action categories.
  - h. The delegatee must consult with the regional counsel or designee prior to exercising this authority.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the section chief level, or equivalent, and no further.

- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. CERCLA §§ 101(23), 101(24), 105, 113, 116, 117, 118, 120, 121, and 126(b).
- b. 40 C.F.R. Part 35, Subpart O, "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions."
- c. Delegation 14-1, Superfund State Contracts and Cooperative Agreements.
- d. Delegation 14-17, National Priorities List.
- e. Delegation 14-22, Administrative Record and Public Participation.
- f. Delegation 14-30, Acquisition of Property.
- g. Limited Contracting Officer Warrant Authority issued to designated OSCs.
- h. "Use of Non-Time-Critical Removal Authority in Superfund Response Actions," OSWER Directive 9360.0-40P, February 14, 2000, specifying the director, Office of Emergency and Remedial Response/OLEM, will consult with the director, Office of Site Remediation Enforcement/Office of Enforcement and Compliance Assurance, prior to concurring on any engineering evaluation/cost analysis approval memorandum for a Fund-led action that could exceed \$6 million.
- i. All other directives, policy and guidance issued by OLEM and OECA pertaining to response and consultation requirements.



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Debra H. Thomas  
Acting Regional Administrator

APR 29 2019

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Date